

Federal Personnel Manual System

FPM Letter 296-57

SUBJECT: Conversion to Presidential Appointment of Employees
Serving in SES-Designated Positions

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Heads of Departments and Independent Establishments:

A. COVERAGE

This Letter contains instructions for documenting the conversion of career executives serving in Senior Executive Service (SES) designated positions to Presidential appointments effective on or before July 13, 1979, and for documenting the conversion of SES career executives to Presidential appointments effective after July 13, 1979.

B. PRESIDENTIAL APPOINTMENTS ON OR BEFORE 07/13/79

1. Conversion Rights

Section 3392(c), title 5, U.S.C., permits an SES career appointee who is appointed by the President, by and with the consent of the Senate, to a position for which the rate of basic pay payable is equal to or greater than that payable for level V of the Executive Schedule, to elect to continue certain SES provisions relating to basic pay and other employment conditions. To carry out this intent and to facilitate merit appointments of able career executives to Presidential appointments before the SES goes into effect, the President, on March 6, 1979, directed heads of agencies to take the following actions:

- a. If a career executive in your agency has been nominated for a Presidential appointment and that executive is serving in a position which will be in the SES, the executive's present position should be officially designated SES immediately. (Such designation is authorized by Section 413 of P.L. 95-454, which became effective on October 13, 1978.)
- b. The agency designation should be forwarded to the Office of Personnel Management, Executive Personnel and Management Development Group, for review and publication in the Federal Register.
- c. Upon official designation by the agency, the career incumbent of this SES position should be given the option to convert to SES or to decline such conversion (P.L. 95-454 permits the incumbent up to 90 days to make a conversion decision, but the decision may be made at any time during that period. In this instance, the incumbent would need to make the decision before his or her Presidential appointment is confirmed by the Senate.)

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- d. If the career incumbent chooses to convert to SES, he or she may then elect to retain SES basic pay and other benefits as provided under Section 3392(c), title 5, U.S.C. Since SES basic pay and benefits do not become effective before July 13, 1979, until that date the incumbent will receive basic pay and benefits for the new position to which appointed.

2. Documenting Personnel Actions

a. Offer of Conversion to SES

(1) If employee declines conversion to SES

File the SES conversion election form signed by the employee on the right (permanent) side of the Official Personnel Folder. Issue SF 50, Notification of Personnel Action (or OPM-approved exception thereto), to effect the Presidential appointment in accordance with current instructions in FPM Supplement 296-31.

- (2) If employee accepts conversion to SES. File the signed SES election form on the right side of the Official Personnel Folder. Issue SF 50 for conversion to SES career appointment. Document the action in accordance with instructions contained in FPM Letter 296-55 (Special Bulletin #43). Show the ES pay rate offered in Item 22(b), but enter in Item 23 the salary in effect on the day of the action. Make the effective date the day before the conversion to the Presidential appointment, or the last day on the agency's rolls if the Presidential appointment is in a different agency. Also, enter the following statement in the Remarks portion (Item 30) of the SF 50:

Provisions of the Senior Executive Service will take effect on July 13, 1979.

b. Conversion to Presidential Appointment Following Conversion to SES

(1) If employee declines to continue provisions of the SES

Issue SF 50 to effect the Presidential appointment in accordance with current instructions in FPM Supplement 296-31. File the signed declination statement on the right (permanent) side of the Official Personnel Folder (OPF).

(2) If employee elects to continue provisions of the SES

File the signed election statement on the right side of the OPF. Issue SF 50 to effect the Presidential appointment. Complete SF 50 items as follows:

(a) Pay Plan and Occupation Code (Item 21)

Enter the appropriate pay plan and occupation code for the position to which appointed. As this will usually be an Inspector General appointment under P.L. 95-452, the pay plan will usually be "EX."

(b) Grade or Level (Item 22(a))

Complete this item if the pay plan in Item 21 normally requires an entry. If the position has no grade or level, enter "00" (two

zeroes). If the pay plan is "EX," enter I, II, III, IV, or V, as appropriate.

(c) Step or Rate (Item 22(b))

Enter the Senior Executive Service pay rate (for pay plan "ES") at which the employee will be paid even though the pay plan in Item 21 is not "ES." The rates are 1, 2, 3, 4, 5, or 6.

(d) Salary (Item 23)

Enter the salary which is appropriate for the entries in Items 21 and 22(a). For example, if Items 21 and 22(a) show "EX IV," Item 23 must show "\$50,000 pa."

(e) Remarks (Item 30)

Enter the following:

Employee elects to continue appropriate Senior Executive Service provisions under 5 U.S.C. 3392(c) which will take effect on July 13, 1979. Item 22(b) indicates the Senior Executive Service pay rate under which the employee's pay will be set on that date.

(f) Pay Rate Determinant (PRD)

This is a new PRD code and definition:

<u>Name</u>	<u>Definition</u>	<u>Code</u>
Continued SES Basic Pay, Etc.	Use only when a Senior Executive Service (SES) career employee is appointed by the President, by and with the advice and consent of the Senate, to a position for which the rate of basic pay payable is equal to or greater than that payable for level V of the Executive Schedule, and the employee elects to continue to receive basic pay and other benefits as if remaining in the Senior Executive Service position from which appointed (5 U.S.C. 3392(c)).	S

Enter the code in Item 30 of SF 50 if manual submissions are made to the Central Personnel Data File (CPDF). SF 50 entry is optional if submissions to CPDF are automated, but the code must be reported.

(g) Follow instructions in FPM Supplement 296-31 to complete all other items on SF 50.

c. Correction Actions

Correction actions should be issued to reflect the above documentation if any conversions to Presidential appointment have been effected since March 6, 1979.

d. Pay Adjustments on 07/13/79

Issue SF 50 (or SF 1126) to adjust salary to match the ES pay rate shown in Item 22(b) of SF 50. With this action, Items 21 and 22(a) will reflect the position in which the employee is serving and Items 22(b) and 23 will show the ES rate and salary at which the employee is being paid.

See paragraph 1 in FPM Bulletin 920-8 (Special Bulletin #29) dated March 8, 1979, on actual salary that may be paid.

C. PRESIDENTIAL APPOINTMENTS AFTER 07/13/79

Issue SF 50 to effect the conversion from SES career appointment to Presidential appointment. If the appointee elects to continue the provisions of the SES, complete SF 50 items as follows:

1. Pay Plan and Occupation Code (Item 21)

Enter the appropriate pay plan and occupation code for the position to which appointed.

2. Grade or Level (Item 22(a))

Complete this item if the pay plan in Item 21 normally requires an entry. If the position has no grade or level, enter "00."

3. Step or Rate (Item 22(b))

Enter the Senior Executive Service pay rate (for pay plan "ES") at which the employee will be paid even though the pay plan in Item 21 is not "ES."

4. Salary (Item 23)

Enter the ES salary that the employee will receive.

5. Remarks (Item 30)

Enter the following:

Employee elects to continue appropriate Senior Executive Service provisions under 5 U.S.C. 3392(c). Item 22(b) indicates the Senior Executive Service pay rate at which the employee is paid.

6. Pay Rate Determinant (PRD)

Record and/or report PRD code "S."

7. Follow instructions in FPM Supplement 296-31 to complete all other items on SF 50.

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